



**REGULAR BOARD MEETING
University Park Plaza
Conference Room A – 4TH Floor
2829 University Avenue S. E.
Minneapolis, Minnesota 55414**

Minutes

March 18, 2011

- Members Present:**
- Christine Black-Hughes, LICSW, Vice Chair
 - David Hallman, LSW
 - Jacqueline Johnson, LICSW
 - Rosemary Kassekert, Public Member
 - Janna Kovach, LSW
 - Mary Casey Ladd, LICSW
 - Kenneth Middlebrooks, Public Member, Chair
 - Carol Payne, LSW
 - Ruth Richardson, Public Member
 - Nicole Roiger, LSW
 - Tamerlee Ruebke, LSW
 - Beverly Ryan, LISW
 - David Sandry, Public Member, Secretary-Treasurer
 - Angie Stratig, LICSW
 - Antonia Wilcoxon, Public Member
- Staff Present:**
- Louis Hoffman, Director of Compliance
 - Michelle Kramer-Prevost, LGSW, Staff Social Worker
 - Sheryl McNair, LICSW, Assistant Director
 - Brenda Mammenga, Recording Secretary
 - Connie Oberle, Office Manager
 - Kate Zacher-Pate, LSW, Executive Director

1. PROPOSED AGENDA [Attached]

Chair Middlebrooks called the meeting to order at 9:05 a.m. An updated copy of the agenda was distributed. A quorum was present and the Board unanimously approved the agenda.

2. MINUTES FOR JANUARY 21, 2011 BOARD MEETING

The Board unanimously approved the January 21, 2011 minutes.

3. BOARD STRATEGIC PLANNING REALIGNMENT WORKSHOP: Charlie Petersen, Facilitator, Management Analysis & Development, MN Management & Budget [Attached]

Middlebrooks said the workshop is the continuation of the strategic planning done as a part of the May 2010 Board meeting. Zacher-Pate said she appreciated Charlie Petersen's facilitating the workshop today and that she, Middlebrooks, and McNair reviewed the materials from the last session and identified the common themes to discuss during today's workshop.

[Stratig arrived at 9:20 a.m.]

Petersen commended and thanked the Board for beginning the meeting on time and said today's focus will be the key priority activities that were determined from last year's workshop, which included:

- Expand Education and Outreach
- Establish and Implement Licensing Requirements
- Enhance Board Effectiveness
- Ensure Adherence to Ethical Standards of Practice

After the Board completed the activities, Petersen thanked the Board for a very productive workshop.

4. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate referred to the information included in the Board packet, noted additional items will be included in her report today, and commented on the following:

- Due to Building Management lowering rental rates, security on the first floor of this building was discontinued on January 1, 2011. The Executive Directors' (EDs) Management Committee is taking this matter seriously and is identifying strategies to help ensure security for staff and HLB equipment.
- Senator Sandra L. Pappas invited representatives from the Health Licensing Boards (HLBs) to a roundtable to receive input and support for her resolution on Minnesota-Licensed Health Care Professionals and Torture and Cruel, Inhumane or Degrading Treatment or Punishment of Prisoners. There was compelling information and testimony at the roundtable, and Pappas asked the roundtable participants to relay this information to the HLBs.

5. LEGISLATIVE UPDATE: Middlebrooks, Zacher-Pate [Attached]

Middlebrooks thanked members of the Advisory Committee, Pam Luinenburg, LGSW, Coordinator for the Minnesota Coalition of Licensed Social Workers (Coalition), Alan Ingram, Executive Director, NASW-Minnesota Chapter, Board members (Black-Hughes, Hallman, and Ladd), and former Board member Bill Cullen who helped facilitate Legislative contacts and meetings to provide information about the Board's Legislative Proposal. Middlebrooks reported that a joint meeting of the Legislation and Rules Committee and the Legislative Task Force occurred to discuss updated information related to the Legislative Proposal. Middlebrooks said the Minnesota Association of Professional Employees (MAPE) overwhelmingly supports the Board's Legislative Proposal. The Association of Federal, State, County and Municipal Employees (AFSCME) and the Minnesota Association of County Social

Service Administrators (MACSSA) do not support the proposal. Zacher-Pate said there are 87 counties in Minnesota, and that 80 counties participate in the Minnesota Merit System (MMS); seven counties do not participate in (MMS). Approximately 1400 AFSCME members are "social workers" in the 80 Merit System counties.

Zacher-Pate said she appreciates Board support received in moving the Legislative Proposal forward. For example, Middlebrooks' presence and insight at the Capitol and at the Governor's Office was valuable from a public Board member's perspective. Ladd, Hallman, and Black-Hughes have facilitated meetings with legislators. Also, Luinenburg and Ingram have been very involved in meetings, and McNair has been invaluable throughout this process. Both bills have been introduced. The Senate file number is SF 753 and the House file number is HF 1191. Direct links to the Legislature are available on the Board's website along with summaries and FAQs. "Track my Bill" is also available on the legislative website to receive automatic updates on a bill.

Zacher-Pate distributed Representative Abeler's House Finance Omnibus (HFO) bill, HF 760, and legislation of interest, and made the following comments:

- Representative Abeler is the chief author in the House. He is a licensed chiropractor and Republican legislator and has been supportive of the HLBs and the BOSW. Representative Abeler is also the Chair of the Health and Human Services Finance Committee. In February Representative Abeler expressed his intention to build a noncontroversial omnibus bill, in which he would include the HLB bills. He indicated that if there was not consensus regarding the BOSW exemptions provision, he would not include that provision in his omnibus bill.
- Yesterday Representative Abeler introduced the HFO bill with policy and fiscal provisions. Zacher-Pate contacted Representative Abeler and Lynn Aves, the House Research Analyst, to ensure the inclusion of the non-controversial BOSW policy provisions in the HF 760. The Board will work with Representative Abeler, Chief Author, to schedule a hearing for HF 1191, which contains the exemptions provision.
- In addition, a hearing must be scheduled in the Senate Health and Human Services Committee (the house of origin), for SF 753. Policy bills must be heard by April 29 to keep the bill alive.
- Zacher-Pate highlighted the provisions in HFO bill, HF 760, related to the HLBs:
- Article 1, Health-Related Licensing Boards, Subd. 5, does not allow Board members to apply for staff positions on the Board.
- Zacher-Pate asked Hoffman to highlight the new revisions to Minnesota Statutes Section 214.103. Health-Related Licensing Boards; Complaint, Investigation and Hearing, which were included in the January 21, 2011 Board Minutes. Other new revisions include provisions 1) to allow the Board to offer guidance to current licensees about the application of laws and rules the Board is empowered to enforce; 2) to allow the Boards power to take administrative action against a regulated person whose records do not meet the standards of professional practice; and 3) to require the HLB EDs to issue a report to the Legislature with recommendations for use of non-disciplinary cease and desist letters which can be issued to licensees when the Board receives an allegation against a licensee, but the allegation does not rise to the level of a complaint, does not involve patient harm, and does not involve fraud.

- Zacher-Pate continued a review of the H.F. 760 which includes: 1) FBI criminal background checks for the Nursing and Dentistry Boards; 2) revocation and denial of any HLB license based on a conviction of a felony-level criminal sexual conduct offense (this was enacted during the 2010 session applying only to the Chiropractic Board); and 3) HLB fee changes, appropriations, and HLB budget change items not included in the Governor's budget.
- Zacher-Pate distributed the "Legislative Report 2011 Regular Session", which was prepared for the EDs by Cindy Greenlaw Benton from the Administrative Services Unit, (ASU). The report includes information about bills of interest and includes 1) the consolidation of IT employees and hardware across the state; 2) state workforce reductions; 3) state agency consolidations; 4) state worker salary freeze; 5) back office consolidation across agencies; and 6) SF. 380, which is the companion bill to HF. 779, and includes the right to engage in an occupation with the least form of regulation possible and would introduce registration and certification of health professionals.

Middlebrooks thanked Zacher-Pate for the report and adjourned the meeting for lunch.

6. LUNCH [12:10 p.m. – 12:40 p.m.]

- 7. COMPLIANCE COMMITTEE:** Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [Attached]
[The meeting went into Executive Session and was closed to the public.]

The Compliance Panel made a recommendation to the Board to approve the Stipulation and Order to condition and restrict the license of Jean L. Ramlow, LICSW Applicant. The Board unanimously approved the recommendation.

[The meeting was open to the public.]

Hoffman distributed the Compliance Unit Case Age and Status Report and reported the following:

- Compliance statistics include cases prior to January 5, 2011 and prior to March 16, 2011 for comparison purposes. The total number of cases that are 3 months old or less has increased from 36 to 66. As a result of yesterday's Compliance Panel meeting and the clarification of statutory changes in the standards of unlicensed practice which went into effect on July 1, 2009, the Panel is prepared to open a number of compliance cases that relate to unlicensed practice.

8. EXECUTIVE SESSION – Closed to the Public [Attached]

Middlebrooks stated the Board approved Zacher-Pate's performance evaluation and thanked her for all the hard work.

Zacher-Pate thanked Board members and fabulous staff for its work and she said that everyone's commitment is the way the Board has been successful in meeting its mission. She also thanked everyone for the opportunity to serve and the support she has received in her position.

9. IMPLEMENTATION OF 2011 LICENSING REQUIREMENTS: Zacher-Pate, McNair [Attached]

Zacher-Pate expressed appreciation to licensure staff for their hard work in handling an increased work load. She also expressed appreciation to Grace Rhee, IT staff person who has taken on projects related to the new licensure requirements; McNair for being the lead in dealing with licensure and IT issues; Kramer-Prevost for assisting with licensure issues; and Oberle for assisting with IT initiatives.

On the advice of Nathan Hart, the Board's Attorney General (AG) Representative, who was present for this discussion, Zacher-Pate said the Board is asked to consider two issues today regarding the new 2011 licensure requirement for LICSW applicants.

The first issue is related to the new 360 clock hour requirement, in six clinical knowledge areas, which will be required of LICSW license applicants beginning August 1, 2011. The question is whether academic coursework, earned during a Council on Social Work Education (CSWE) bachelor's degree program, which is applied as "advanced standing credit" to a CSWE master's degree program in social work can be applied to the 360 clock hours required for the LICSW new academic specifications.

The second issue is to request the Board to create an Application Review Committee (ARC) to review and approve clinical coursework for the LICSW license when an academic institution, including a CSWE graduate degree program, accredited institution of higher learning, or continuing education provider cannot attest to the applicant meeting the requirements to the satisfaction of the Board.

Middlebrooks asked if there was any public comment and acknowledged Catherine Russell, LSW# 20840, and LGSW Applicant, who requested time to make public comment about the 360 clinical clock hour requirements. Russell's comment relates to the issue of "advanced standing" coursework being accepted toward the 360 hours of clinical knowledge areas. She noted this new requirement, while it may have merit, was an additional burden to applicants and licensees; that there is variability in the number of clock hours offered by different CSWE MSW programs; that programs vary in the methods and information provided to students; the Board and MSW programs have a responsibility to clearly inform potential and current MSW students how many of the 360 clinical clock hours can be earned from a program so students can make an informed decision as soon as possible to avoid the additional time and cost to earn the required hours outside of the MSW program.

Discussion turned to the creation of the ARC issue. Staff proposed the creation of the ARC as an effective method to review the new academic requirement in order to utilize board member expertise, avoid the need for an outside reviewer or consultant, and utilize staff resources to process other areas of application requirements. The goal would be to utilize secure electronic methods to review documents and expedite the review and approval process.

A motion was made by Payne, and seconded by Black-Hughes, for the Board to establish an Application Review Committee (ARC) with the initial task to address clinical coursework. Should the need arise for additional review in other areas; the Board has the

authority to create an additional Panel(s) under the ARC with expertise to address issues that arise in the future. Operational guidelines are delegated to Board staff. The Board unanimously approved the motion.

[Hallman and Sandry left the meeting at 1:10 p.m.]

Middlebrooks asked if there was any additional public comment at this time related to either issue. Pam Luinenburg, LGSW, Coordinator for the Minnesota Coalition of Licensed Social Workers (Coalition,) said she would like to comment on behalf of herself and Pam Berkwitz, Chair of the Coalition. Luinenburg made the following comments:

- The Social Work Practice Act does not allow LSWs to practice clinically.
- In 2007 DHS said it would not accept LSW clinical coursework towards the LICSW clinical coursework requirement.

The following comments were offered by board members related to the "advanced standing coursework" issue. Graduate level clinical content is not offered at the undergraduate level; the intent and understanding with DHS during the development of the new clinical licensing standards in 2007 was that "advanced standing coursework" would not apply to the 360 clinical knowledge area requirement; other "mental health professionals" and disciplines do not accept any academic coursework earned at the undergraduate level toward a clinical license; consistent standards need to be maintained across mental health clinical licensing requirements.

A motion was made by Ladd, and seconded by Roiger, for the Board to not accept clinical coursework through advanced standing credit, granted for social work study at the baccalaureate level which is applied toward the MSW degree, in meeting the 360 academic clinical clock hour requirements. The Board unanimously approved the motion.

10. COMMITTEE & LIAISON REPORTS [Change in agenda placement]

A. Advisory Committee: Wilcoxon, Kovach [Attached]

In Wilcoxon's and Kovach's absence, Middlebrooks attended the meeting, and reported the following:

- Zacher-Pate spoke about the Board's legislative proposal.
- The Committee is revising its by-laws and Barbara Kaufman, LISW Emeritus, Advisory Committee Chair, and Wilcoxon are actively working on the project.

B. ASWB: Middlebrooks, Stratig [Attached]

- Middlebrooks reported the ASWB Spring Education meeting will be held in Vancouver, BC, May 12-15, 2011. Due to state policy travel restrictions, and special permission required for travel outside of the US, the Board will not send a representative. However, ASWB is offering five sponsorships to the meeting at ASWB expense, which have required criteria to qualify. The Executive Committee has submitted Johnson's name to ASWB to be considered for the ASWB sponsorship, she meets all the ASWB criteria.

- Johnson thanked the Committee for considering her for the sponsorship and thanked Middlebrooks for his assistance with her application for appointment to the ASWB Regulations and Standards Committee.
- C. Compliance Education Outreach Committee: Wilcoxon
- Wilcoxon said there was no report.
- D. Council of Health Boards: Kassekert
- Kassekert said there was no report.
- E. Executive Committee: Middlebrooks, Black-Hughes, Sandry
[Discussion was held in Agenda item 8 above]
- F. Finance Committee: Sandry [Attached]

Sandry was not present at this time and Black-Hughes reported the following:

- The committee met last evening and reviewed the monthly budget report. Through 67% of the year, the total of all expenses is at approximately 50% and total revenue is at 71%, which is a continuation of the Board's trend in finances and staff continuing to do an excellent job in keeping expenses down.

Zacher-Pate reported the following:

- At 67% through the fiscal year, the Board has taken in 103% of anticipated funds for LGSW original license fees. Trends in this area will be watched in the future.
- Zacher-Pate referred to The Board's Agency Profile which is public data, and the Change Item: Convert to Dedicated Funding, which was submitted to MM&B and will be included in Governor Dayton's budget.
- During the 2010 legislative session there was support to change the HLB funding model from the State Government Special Revenue Fund to a State Dedicated Special Revenue Fund. Under the current model the HLBs must request spending authority or appropriations from the Legislature to spend any revenues collected through fees. The Dedicated Special Revenue Fund would allow the HLBs to access, utilize, and spend revenues collected, and does require an appropriation from the Legislature. The HLBs would be required to have reserve funds to ensure positive cash flow and submit yearly detailed accounting reports to the Legislature, and the Legislature would retain authority to set licensing fees. The HLB Executive Budget Officer (EBO) was responsive to the new funding model and took the concept to MM&B.

Black-Hughes reported the following:

- The Finance Committee discussed end of the year fiscal spending.

The Finance Committee recommends the Board's purchase of new work stations, the minimum number of I-Pads for board members and Board staff, three

replacement laptops, an office printer, a printer dedicated to printing license certificates, several chairs, and web cams to enable “e-meetings”. The Board unanimously approved the recommendation.

G. HPSP: Kassekert

Kassekert reported the following:

- The Program Committee met on February 15, which included a case review.
- The BOSW had 7 referrals and 4 discharges during the first half of fiscal year 2011. The illnesses monitored include 8% medical disorders, 63% psychiatric disorders, and 81% substance disorders. These illnesses overlapped with each category including one or more of the other disorders.
- HPSP's spending is consistent with projections including 90% of the budget directed to salaries, benefits, and rent. Ten percent covers operational costs.
- The use of biomarkers in the treatment of alcohol disorders was discussed as toxicology tests were positive for those with diabetes, etc. in the past six months.

H. Legislation & Rules Committee: Ladd [See agenda item 5]

I. Legislative Task Force: Middlebrooks, Wilcoxon [See agenda item 5]

J. Licensing Study Committee: Wilcoxon

Wilcoxon said there was no report.

K. Nominating Committee: Sandry

In Sandry's absence Middlebrooks said there was no report. Also, Middlebrooks said this is his last year as Chair, his term is up for appointment, and he encouraged Board members to run for a Board position. He has applied for reappointment.

Zacher-Pate is in contact with the Governor's Appointment Staff and they are open to recommendations for Board member appointments. The Staff is interested in promoting diversity, age, gender, race, ethnicity, location within the state, etc., and the value of strong public members. Also, it is possible that a Board member serving one term may be reappointment to a second term. The terms of Middlebrooks, Sandry, and Stratig ended in January 2011. Each has applied for reappointment, and will continue to serve until appointments are made, or until June 30, whichever occurs first.

11. LICENSING UNIT REPORT: McNair

McNair reported the following:

- In February St. Cloud State University received final CSWE accreditation for their MSW program. Students graduating from this program, who initially received Temporary Licenses under the candidacy provision, are now receiving their permanent licenses.

- From January 1, 2011 through March 15, 2011, the Board received over 500 applications for licensure, which compares to 340 applications receiving during the same time period last year.
- One reason for this significant current increase in applications may be that some LICSW applicants are applying prior to August 1 when the new 360 academic clinical clock hour requirement is in place. Another reason may be that from January-June 2011, ASWB is offering the Advanced Generalist examination free of charge. Last year there were 7 LISW applicants during this time period, and this year there have been 28 LISW applicants.
- Nathan Hart, the Board's Attorney General (AG) Representative, has been utilized by Board staff to provide interpretation of some of the new 2011 licensing requirements as implementation decisions are being made.
- Zacher-Pate and McNair recently presented a session for supervisors at the School Social Workers Association Conference on the new supervision requirements. Also, next Tuesday Zacher-Pate, McNair, and Kramer-Prevost will offer a workshop at the Minnesota Social Service Association (MSSA) Conference on the topic, "Are You Ready for the New Licensure Requirements?"

12. PUBLIC COMMENT

There was no public comment.

[Ruebke left the meeting at 3:35 p.m.]

14. ROUNDTABLE

Black-Hughes said she will not be at the May Board meeting.

Middlebrooks made three comments: 1) the quality of education at social work schools will be a future agenda item; 2) the pros and cons of posting pass/fail rates for CSWE programs will be an agenda item at a future meeting; 3) planning a strategy to invite Minnesota licensed social workers who serve on various ASWB committees to a Board meeting to recognize their service.

15. ADJOURN

The meeting adjourned at 3:40 p.m.

Respectfully submitted,
David Sandry
Secretary-Treasurer

